



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,932	11/28/2001	Masami Horita	MM4485	7359

1109 7590 08/04/2005  
ANDERSON, KILL & OLICK, P.C.  
1251 AVENUE OF THE AMERICAS  
NEW YORK,, NY 10020-1182

EXAMINER

LETSCHER, GEORGE J

ART UNIT	PAPER NUMBER
----------	--------------

2653

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/994,932	<b>Applicant(s)</b> HORITA ET AL.	
	<b>Examiner</b> George J. Letscher	<b>Art Unit</b> 2653	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 12-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1-7, 12-18, 21-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagata (US 2000-348358).

The aforementioned claims recite the following features shown in JP 2000-348358: an optical pickup device comprising a lens (1), lens holder (2), actuator (3a, 3b) mounted in and driving the lens holder, a weight part (12) balanced with a weight of the actuator, wherein the weight part is formed of a metal (solder; see solution) (resin adhesive in claim 22) material. See Figure 4 and 6 of Nagata.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2653

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ujiie et al in view of JP 2-135918.

The aforementioned claims recite the following features, inter alia, disclosed in Ujiie et al (US 5,781,352): An optical pickup device having a lens (11), lens holder (20) supported by a frame (21), actuator (22, 23) driving the lens holder, and a weight part (24) balanced with a weight of said actuator. There is a support part (14) fixed to the frame to oppose the lens holder; and a plurality of elastic supporters (19) that are cantilever springs each extending along the lens holder engaging the lens holder and support part ends. The weight is a rigid body and is in a position farther in a direction toward a distal end of the lens holder. See Figures 2 and 8 of Ujiie et al.

Regarding claim 1, Ujiie et al do not expressly show an adhesive agent between the weight and lens holder so that the adhesive agent and weight part vibrate together to minimize vibration of the lens holder. Regarding claims 4 and 6, Ujiie et al do not teach a concave part to which the weight is bonded and fit, the concave part formed in a tip part on a distal end side of the lens holder. Regarding claim 7, Ujiie et al do not disclose weight and concave part having a rectangular shape.

JP 2-135918 discloses an adhesive agent between the weight (4) and lens holder (2) so that the adhesive agent and weight part vibrate together to minimize vibration of the lens holder; see Figures 3 and 6 of JP 2-135918. The optical head pickup (3) unit having a concave part (recess 2a) to which the weight (4) is bonded and fit, the concave part (2a) formed in a tip part on

Art Unit: 2653

a distal end side of the lens (3) and lens holder (2). JP 2-135918 discloses the weight and concave part having a circular shape; see Figures 7 and 9 of JP 2-135918.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the optical head pickup having a weight member as taught in Ujiie et al modified with the adhesive provided between the weight and lens holder with the weight in a rectangular recess in the holder as taught by JP 2-135918. The rationale is as follows: one of ordinary skill in the art would have been motivated to have provided the optical head pickup having a weight member as taught in Ujiie et al modified with the adhesive provided between the weight part and lens holder with the weight in a rectangular recess in the holder as taught by JP 2-135918 since one of ordinary skill in the art would have achieved space savings in the optical head because the weight was located within the lens holder instead of outside the support. One of ordinary skill in the art would have recognized that having the weight be rectangular as opposed to its modified circular shape in JP 2-135918 as an obvious change in shape was well within the purview of one of ordinary skill in the art.

5. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000-348358.

The aforementioned claims recite the following features shown in JP 2000-348358: an optical pickup device comprising a lens (1), lens holder (2), actuator (3a, 3b) mounted in and driving the lens holder, a weight part (12) balanced with a weight of the actuator, wherein the weight part is formed of a metal (solder; see solution) (resin adhesive in claim 22) material.

Art Unit: 2653

***Allowable Subject Matter***

6. Claims 21-22 are allowed.

***Response to Amendment***

7. Applicant's arguments with respect to claims 1, 12 and 18 have been considered but are moot in view of the new ground(s) of rejection.

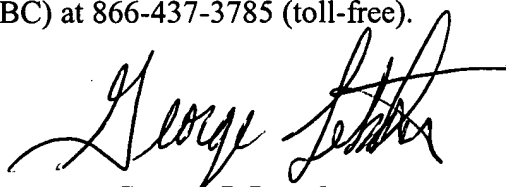
***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George J. Letscher whose telephone number is 571-272-7591. The examiner can normally be reached on a Conventional work schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2653

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-437-3785 (toll-free).

A handwritten signature in black ink, appearing to read "George J. Letscher", with a stylized, flowing script.

**George J. Letscher**  
**Primary Examiner**  
**Art Unit 2653**

GJL  
7/28/05